

1230.01 Witness Fees/Travel Expenses

Issued January 1, 1994

SUBJECT: Witness Fees/Travel Expenses.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To prescribe guidelines and standard regulations for the establishment of policies and procedures governing fees and travel expenses received by State employees for court appearances as witnesses on a duty or non-duty connected basis.

CONTACT AGENCY: Department of Management and Budget (DMB) - Office of Financial Management (OFM).

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SUMMARY: Public Act 328 of 1931, § 488, states that any officer or employee of the State government, having a salary fixed by law, who shall retain any fees received for performance of his/her official duties, or who shall not promptly turn over to the State treasurer or credit to the proper funds such fees when collected, shall be guilty of a misdemeanor, punishable by imprisonment in the State prison not more than two years or by a fine of not more than \$1,000.00. Anyone convicted under the provisions of this section shall be promptly removed from office.

APPLICABLE FORMS: None.

PROCEDURES:

- **Employee on Duty:**
 - If an employee appears in court in connection with his or her agency work, he/she is on duty. The State personnel director has ruled that any employee also shall be considered on duty or on administrative leave (as may be appropriate), even in a purely private lawsuit, where testifying regarding information obtained under his/her agency authority, or where the case involves facts, issues or parties that in the opinion of the agency require that the employee accepts no fee, payment, or gift from any party for his/her own use. The department will pay the employee's expenses. The witness fees, whether statutory or as an expert, as well as reimbursement for travel received shall be submitted to his/her agency.
 - Witness fees shall be credited as revenue to the fund from which the employee's salary is paid by the State. Reimbursement for travel shall be credited to the expenditure account charged for employees' travel, not to exceed the amount paid. Moneys received in excess of actual expenditures shall be deposited with the State Treasurer, as miscellaneous revenue.
- **Employee Not On Duty:**
 - If an employee is subpoenaed as a witness or appears in another capacity where the facts and issues in the case have no relation or connection with his/her agency's work, the employee will not be considered as on duty while appearing as such witness. If his/her appearance is made during regular working hours, appropriate deductions must be made from his accumulated leave time. No expenses will be paid by the State, and the employee will retain all moneys received.

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